

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Commercial Taxes Department - Vigilance & Enforcement Route check conducted on 9th and 10th Sept., 2004 at Sangareddy, Jogipet, Pitlam, Madnoor road in Nizamabad District - Collection of regular mamools/ illegal gratification and allowing overloaded lorries to pass through without collecting applicable taxes and penalties by Commercial Tax officials - Disciplinary proceedings under rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 against Sri A. Padma Rao, Assistant Commercial Tax Officer - Enquiry Report received - Findings not accepted - Disagreement factors communicated - Explanation submitted - Imposition of a penalty of stoppage of (4) four increments without cumulative effect - Orders - Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No.250

**Dated: 21- 02-2014.
Read the following:**

1. Govt. Memo No.57620/Vig.I(2) /2005-4, dt.21.07.2006.
2. Proceedings of DC (CT), Hyderabad (Rural) Division,
Ref.No.Vig/880/2005, Dt.25.03.2009 .
3. Proceedings of DC (CT), Hyderabad (Rural) Division,
Ref.No.Vig/880/2005-1, Dt.13.10.2009.
4. Report of the Inquiry Officer, dt.28.05.2010.
5. From the Deputy Commissioner (CT), Hyderabad (Rural) Division,
Ref.No.Vig/880/2005, Dt.13.07.2010.
6. From the Commissioner of Commercial Taxes, A.P, Hyderabad, letter
No.V3/1531/2005, dated 16.8.2010.
7. Govt. Memo No.57620/Vig.I(2)/2005-18, dt.13.06.2012
8. Explanation of Sri A.Padma Rao, ACTO, dt.28.07.2012.

O R D E R:

In the 1st read above, instructions were issued to the Commissioner of Commercial Taxes, Hyderabad to initiate departmental action against Sri A.Padma Rao, Assistant Commercial Tax Officer and another worked at Madnoor Check Post, Nizamabad, as they were found involving in corrupt practice during the route check conducted by the Vigilance & Enforcement Department on 9th and 10th of September 2004 and for violation of Conduct Rules. Accordingly, in the 2nd read above, the Deputy Commissioner (Commercial Taxes), Hyderabad (Rural) Division framed charge against Sri A.Padma Rao, Assistant Commercial Tax Officer. The Charged Officer submitted his written statement of defence, dt.5.5.2009.

2. The Deputy Commissioner (Commercial Taxes) Hyderabad (Rural) Division not satisfied with the written statement of defence, appointed the Commercial Tax Officer, Siddipet Circle, Nizamabad Division as Inquiry Officer and the Deputy Commercial Tax Officer, Bhodan as Presenting Officer to conduct enquiry into the matter vide 3rd read above.

P.T.O

3. In the 6th read above, the Commissioner of Commercial Taxes, A.P, Hyderabad has furnished the inquiry report of the Commercial Tax Officer, Siddipet Circle, Nizamabad Division, dated 28.5.2010, wherein the inquiring authority observed that the charged officer is not found to be guilty of the charges framed; by giving benefit of doubt.

4. The Government have examined the inquiry report and observed that the Enquiry Officer has taken the plea that the two Lorries that were reported to have been allowed to pass through the check post might not have entered into Andhra Pradesh by passing through the check post. But it is not reported how it would have happened and whether alternate passages are there for the vehicles to enter into Andhra Pradesh without passing through the Check Post. Hence, the Government “disagreed” with the findings of the Inquiring Authority on the charge for the above reasons. Accordingly, Government communicated the above disagreement factor together with a copy of the inquiry report, dated 28.5.2010 to Sri A. Padma Rao, Assistant Commercial Tax Officer with a direction to submit his representation, if any, on the above disagreement factor to the Government, within (15 days) from the date of receipt of this Memo., under rule 21 (2) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 vide reference 7th cited.

5. In the 8th read above, Sri A. Padma Rao, Assistant Commercial Tax Officer has submitted his explanation to disagreement factor stating that the Inquiry Officer had come to the conclusion that the charge framed against him shall not survive and there is no evidence to show that the two vehicles have passed through the Madnoor Check Post. There are several routes to enter into the Nizamabad District from Maharashtra State without touching Madnoor Check Post for which he enclosed road map for perusal. He mentioned that in a similar charge framed by the T,R&B Department against MVI and others worked at Check Post of Madnoor have accepted the plea that there is a possibility of skipping the check post via Bypass road, Dogloor, Bhaktapur village and dropped further action against them. The above principle shall apply in his case also. Therefore, the disagreement factor now adopted in his case is contrary to the above similar case and requested to examine the whole case and consider to accept the findings of the inquiry authority in his case and to drop further action him.

6. Government examined the explanation of the Charged Officer and after careful consideration decided to impose a penalty of stoppage of (4) four increments without cumulative effect against him, since the explanation of alternative route is an afterthought. The inquiry of Vigilance & Enforcement Officials has indicated that the Lorries have passed through the Check Post.

7. Accordingly, and in exercise of the powers conferred under clause (iv) of rule 9 of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991, the Government hereby impose a penalty of stoppage of (4) four increments without cumulative effect on Sri A. Padma Rao, the then Assistant Commercial Tax Officer, presently working as Deputy Commercial Tax Officer

in the O/o Deputy Commissioner (Commercial Taxes), Nizamabad District. As, the Delinquent Officer is going to be retired from service on attaining the age of superannuation on 29.2.2016, remaining penalty equivalent to stoppage of increments without cumulative effect be recovered from the Death cum Retirement Gratuity of Delinquent Officer, as per orders issued in G.O.Ms.No.85, Finance & Planning (Finance Wing: Pen-I) Department, dt.12.7.1999.

8. The Commissioner Commercial Taxes, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri A. Padma Rao, the then Assistant Commercial Tax Officer,
through the Commissioner of Commercial Taxes, A.P. Hyderabad.
The Commissioner of Commercial Taxes, A.P. Hyderabad.

Copy to:

The Accountant General, Andhra Pradesh, Hyderabad.
The Director of Treasuries and Accounts, Andhra Prades, Hyderabad.
The Secretary, A.P. Public Service Commission, Nampally, Hyd.,
(With reference to Lr.No. 2181/RT/3/2013, dt.27.01.2014.)
PS to Principal Secretary to Government, Revenue Department
The Revenue (CT.I) Department.
SF.

//Forwarded :: By Order //

SECTION OFFICER.